ORDER RECEIVED FOR FILING Date

1970

1970

IN RE: PETITION FOR ADMIN. VARIANCE

NE/S Suburbian Road, 195' NW of

the c/l Holly Hill Road (818 Suburbian Road)

4th Election District

3rd Councilmanic District

Charles F. Masek and Johannah R. Witherstein -

Petitioners

\* BEFORE THE

ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 98-452-A

\* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Charles F. Masek and Johannah R. Witherstein. The Petitioners seek relief from Sections 208.3 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.)(1955) to permit a side yard setback of 3 feet in lieu of the minimum required 9 feet for an open projection (carport) and a sum of the side yards of 18 feet in lieu of the required 25 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R.

Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of June, 1998 that the Petition for Administrative Variance seeking relief from Sections 208.3 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.)(1955) to permit a side yard setback of 3 feet in lieu of the minimum required 9 feet for an open projection (carport) and a sum of the side yards of 18 feet in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

MAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bis



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

June 19, 1998

Mr. Charles F. Masek Ms. Johannah R. Witherstein 818 Suburbian Road 21136 Reisterstown, Maryland

RE: PETITION FOR ADMINISTRATIVE VARIANCE NE/S Suburbian Road, 195' NW of the c/l Holly Hill Road

(818 Suburbian Road)

4th Election District - 3rd Councilmanic District

Charles F. Masek and Johannah R. Witherstein - Petitioners

Case No. 98-452-A

Dear Mr. Masek & Ms. Witherstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Kaline Construction, Inc. 8019 Belair Road, Baltimore, Md. 21236

People's Counsel

file

# ORDER RECEIVED FOR FILING

# Petition for Administrative Variance



## to the Zoning Commissioner of Baltimore County

for the property located at 8/8 Scho

8/8 Schubian Rd 2/136
which is presently zoned 02-35

This Petition shall be filed with the Dept. of Permits Develor The undersigned, legal owner(s) of the property situate in Baltimore of hereto and made a part hereof, hereby petition for a Variance from Section Section of the Zoning Regulations of Baltimore County, to the Zoning Law of Expreciated difficulty)  SEE APFIDAVIT	county and which is described in the description and plat attached ction(s) 208, 3 AND 301, 1 (1955 BCZR)  I EXCEPTION OF SETTING PORT OF SETT
Property is to be posted and advertised as prescribed ! or we, agree to pay expenses of above Variance advertising, postir be bound by the zoning regulations and restrictions of Baltimore Cou	ng, etc., upon filing of this petition, and further agree to and are to
•	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition
Contract Purchaser/Lessee	Legal Owner(s).
Address Attorney for Petrtioner  (Type or Print Name)	Charles F. Masek (Type or Print Name)  Signature  Johannah R. WITHERSTEIN (Type or Print Name)  Ashannah R. Winterstein Signature  410833- 818 Suburbian Rd 9269  Address  Phone No
Signature	City State Zipcode Name, Address and phone number of representative to be contacted
Address Phone No	Kaline Construct in Inc Name 8019-13 Belanald 41.0683-3550
City State Zıpcode	8019-13 BELANZ LE 4106 83-3750 Address Phone No.
	by the Zoning Commissioner of Battimore County, thisday of

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 818 Suburbian 11d.
Pastersdawn Md 21136 City State Zip Code
City State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
Older couple want to protect exit mixent mace
Then weather to and From can
Plant wearing to any theories
·
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  Charles F. Masek  (signature)  (signature)  (signature)  (signature)  (signature)  (sype or print name)  STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 20 <sup>11</sup> day of May 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally afbeared
Charles F. Masker & Johannah R. Winterstein
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.  5/20/98  NOTARY PUBLIC
My Commission Expires: 7/28/01



# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 818 5 bunan (Coad
That the Affiant(s) does/do presently reside at 818 5 burnan 1 coad  Reisterstann Md 21136
City State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
Older couple want to protect exit ansentrance
From weather to GNS FROM COR
<u> </u>
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
Charles J. March ( Minterster) Johannah R. Winterster
CHARLES F. MASEK (Type or print name)  Lohannah R. Winterstein  Type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
1 HEREBY CERTIFY, this
Charles F. MASEK & Johannah R. Winterstein
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.
5/28/98 Start Duy
NOTARY PUBLIC
My Commission Expires: $-7/38/6i$



ESTIMATED POSTING DATE:

## Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

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Cit Chil

	tot, the brokerth meater at	818 SUDUNDIAN 100 01/39
		which is presently zoned $\Omega Q - 3$
This Petitio	on shall be filed with the Dept. of Permits &Dev	evelopment Management
The under	reigned, legal owner(s) of the property situate in Baltim	more County and which is described in the description and plat attached
hereto and	made a part hereof, hereby petition for a Variance from	m Section(s) 208, 3 AND 301.1 (1955 BCZR)

TO PERMIT A PROPOSED OPEN PROJECTION (CARPORT) IN SIDE YARD WITH A SETBACK OF 3 FT. IN LIEU OF 25 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE AFFINAVIT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	legal owner(s) of the property which is the subject of this Petition
ontract Purchaser/Lessee:	Legal Owner(s)
Hiline Construction  Prohim Name)  Response Haling	Charles F. MASEK (Type or Print Name)  Lharles T. Masels Signature
9019 Belari Ad	JOHAWNAH R. WINTERSTEIN (Type or Print Name)
Balt. And 21236	Johannah R. Winterstein
Attorney for Petrhaner Type or Print Name)	818 Suburbian Rd. 833-926 Address Phone No.
Signature	ResSters town Md 21136 City State Zipcode Name, Address and phone number of representative to be contacted
	Kaline Construction, Inc
Address Phane No	8019 \$13 BeLARRA410-663-3590
City State Zipcode	Address Phone No.

98.45Z-A

A52

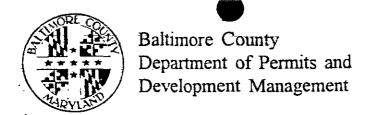
and located in the 2 Election District, Councilmanic District.	containing 9783. Also known as 818 Subbrbing Rd. (square/set or acres)	as recorded in Baltimore County Plat Book # <26 , Folio # 69 ,	Block 左 ,Section # / in the subdivision of Suburdica	which is (number of feet of right-of-way width) wide. *Being Lot # 10 P/a7 2	centerline of the nearest improved intersecting street $\frac{Holly Hll Rd}{}$ (name of street)	wide at the distance of 195 At 1 porthwest of the (number of feet) (north, south, east or west)	way width)	Beginning at a point on the horth west or west)		ZONING DESCRIPTION FOR DID (address)
	2-	A							1	ł

98-452-A

FROUESS OCTUBY THE 5/21/1998 12:10:43
WH USOV CORNIER JEEC JAK INGHER 50.00 CNLTK Baltimore Curntv. Maryland CABHIER'S VALIDATION OKKNES Kelviot ( Culvi, ossko Š YELLOW . CUSTOMER AMOUNT \$ ACCOUNT MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MA And to the first of the second PINK - AGENCY DISTRIBUTION WHITE - CASHIER RECEIVED FROM: DATE FOR

#### CERTIFICATE OF POSTING

	RE: Case No.: 98-452-A
·	Petitioner/Developer: <u>Haline</u> Const.
	Date of Hearing/Closing: 4/15/98
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	-
This letter is to certify under the penalties of were posted conspicuously on the property leading to	perjury that the necessary sign(s) required by law ocated at 8/8 Suburbian Rd.  7,1998  (Month, Day, Year)
	Sincerely  (Signature of Sign Poster and Date)  STACY GARDNER  (Printed Name)  SHANNON (BAH-Ms SIGNS INC.  105 COMPETITIVE GOALS DR.  ELDERS BURG Z M Dod 21784
	(Telephone Number)



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 452
Petitioner: jealine Construction
Location: 8019 Beloir Ro. Suite 13
PLEASE FORWARD ADVERTISING BILL TO:
NAME: 12 cline Construction
ADDRESS: 8019 Belair Ro, Scite 13
Balto, Ma 21236
PHONE NUMBER: 410-663-3590

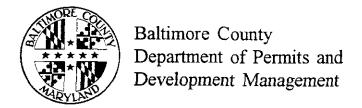
AJ:ggs

(Revised 09/24/96)



#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case I	e Number 98- 452 -A Address	_ 818 SUB	BURBIAN RD.		
Conta	tact Person: ULLEWIS Planner, Please Print Your Name	PI	none Number: 41	0-887-3391	
Filing	g Date: $\frac{5/21/98}{}$ Posting Date:	5/31/98	Closing Date:	6/15/98	
Any c throug	contact made with this office regarding the statu ugh the contact person (planner) using the case num	is of the admin	istrative variance	should be	
1.	<u>POSTING/COST</u> : The petitioner must use one of reverse side of this form) and the petitioner is re reposting must be done only by one of the sign pris again responsible for all associated costs. The property on or before the posting date noted above date.	sponsible for all osters on the ap le zoning notice	I printing/posting opproved list and the sign must be vis	costs. Any e petitioner ible on the	
2.	<u>DEADLINE</u> : The closing date is the deadline for a formal request for a public hearing. Please request for a public hearing, the process is not con	understand that	t even if there is	feet to file no formai	
	ORDER: After the closing date, the file will be commissioner. He may: (a) grant the requested order that the matter be set in for a public he (typically within 7 to 10 days of the closing date) a denied, or will go to public hearing. The order will	d relief; (b) den aring. You wil as to whether th	y the requested re I receive written se petition has bee	elief; or (c) notification oranted.	
	POSSIBLE PUBLIC HEARING AND REPOSTING (whether due to a neighbor's formal request or commissioner), notification will be forwarded to changed giving notice of the hearing date, time are posted, certification of this change and a photographic office.	by order of the you. The signed location. As	ne zoning or dep n on the propert when the sign wa	uty zoning y must be s originally	
	(Detach Along Dotted L	ine)		<del></del>	
Petitio	tioner: This Part of the Form is for the Sign Poste	er Only			
	USE THE ADMINISTRATIVE VARI	ANCE SIGN FO	RMAT	-	
Case N	Number 98-452 -A Address 8	318 SUBUR	BIANRD		
Postin	ring Date: <u>5/3//98</u> Clo	osing Date:	6/15/98		
Wordir	ding for Sign: <u>To Permit</u> A PROPOSED CA	RPORT ATTA	CHED TO SIDE	OF	
Duz	VELLING WITH A SETBACK OF 3F	T. IN LIEU	OF GFT. A.	ND	
A SUM OF SIDE YARDS OF 18 FT. IN LIEU OF 25 FT					
		-			



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 15, 1998

Kaline Construction, Inc. 8019 Belair Road Baltimore, MD 21236

RE: Item No.: 452

Case No.: 98-452-A

Petitioner: Charles F. Masek and Johannah R. Witherstein Location: 818 Suburbian Road

Dear Sirs:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 21, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

WCR:ggs
Attachment(s)



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 6.6.9V

Item No. 452

JLC

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Fredh 10 Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

Often 6/12

Date: June 23, 1998

TO:

Arnold Jablon, Director

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for June 15, 1998

Item Nos. 442, 443, 444, 445, 450, 451, (452), 453, 454, 455, 457, 458,

459, 462, 463, 464, 465

Use Permit for Farmer's Roadside Stand

John D. Barone & Beverlae Barone E/S York Road, 260' S of Sparks Road

(14943 York Road)

16844 Wesley Chapel Road

Case No. 98-381-SPHA

1820 Clearwood Road

Case No. 98-438-SPHA

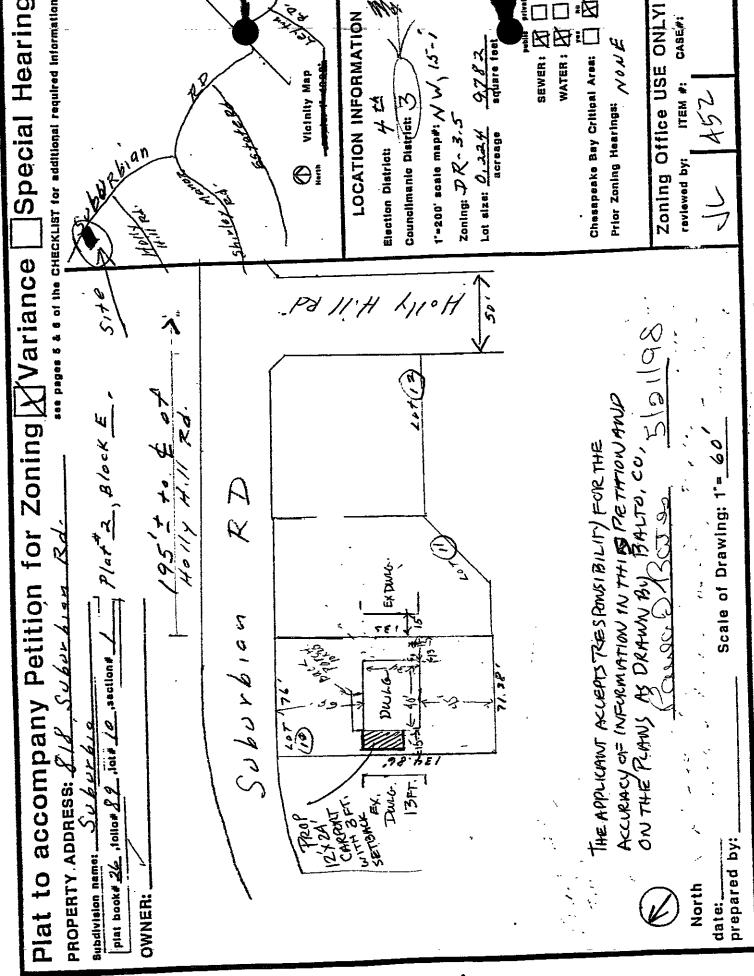
Hereford Plaza

Case No. 97-308-SPHA

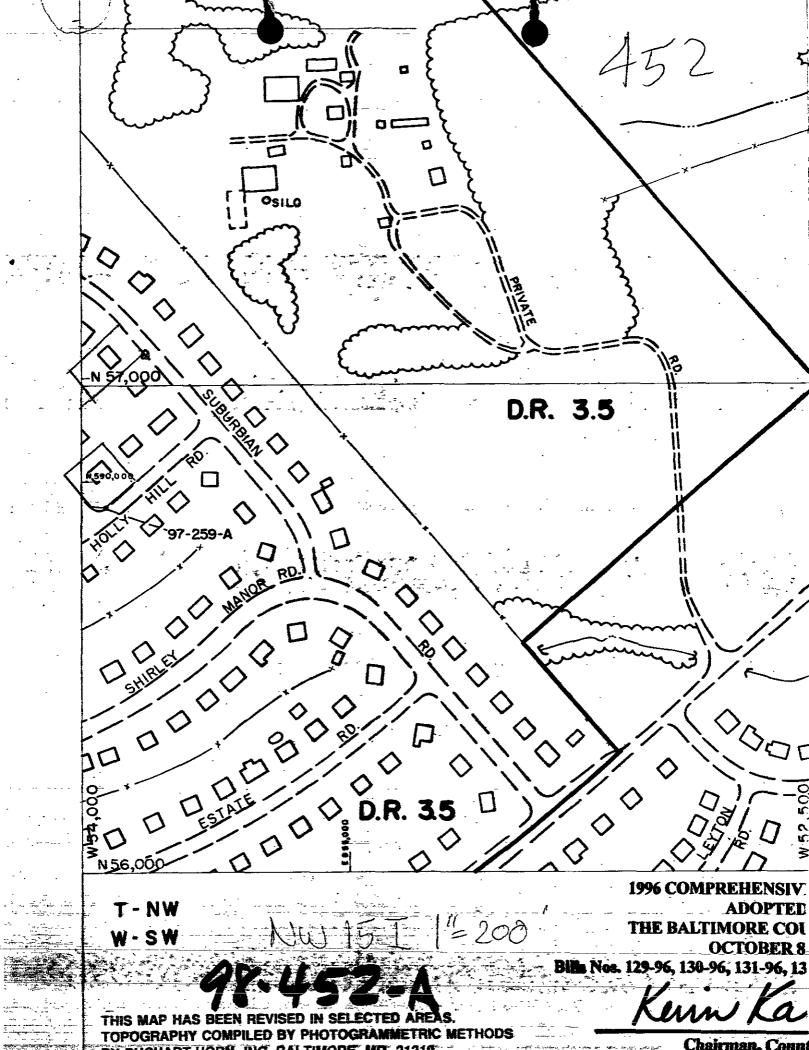
The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



48.452-A

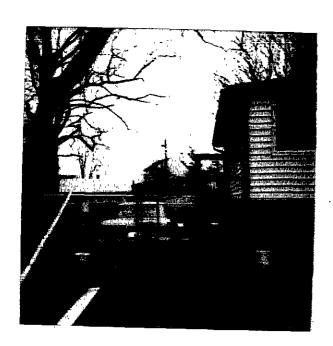




LeFT Side Front view#452



Right BACK

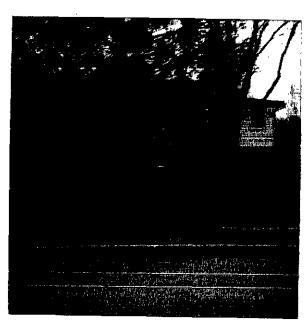


Right Side of House From Brock



Right side From Front

98-452-A



FRONT House



BACK House

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

**DATE**: June 8, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 443, 444, 445, 450, 452, 455, 456, 462, 464, and 465

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

y M. Xong

Prepared by:

Division Chief:

AFK/JL